

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES, APPENDIX A – ZONING, ARTICLE XX (SPECIAL USES), SECTION 1, SUBSECTION A (27), TO PROVIDE THAT A SPECIAL USE PERMIT FOR THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION ONLY MAY BE ISSUED IN CONJUNCTION WITH THE ISSUANCE OF A SPECIAL USE PERMIT FOR A HOTEL; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Addison, Texas (the “City”) is a home rule municipality having full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution and its Home Rule Charter; and

**WHEREAS**, currently, Special Use Permits for the sale of beer and wine for off-premises consumption only may be approved for properties zoned Local Retail, Urban Center or in certain Planned Development Districts; and

**WHEREAS**, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission, the information received at a public hearing, and other relevant information and materials, the City Council of the Town of Addison, Texas finds that this ordinance promotes the general welfare and safety of this community.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS THAT:**

**Section 1.** The Code of Ordinances (the “Code”) of the Town of Addison, Texas Appendix A (Zoning), Article XX (Special Uses), Section 1. Subsection A (27) is hereby amended to read in its entirety as follows:

**Section 1. – Special uses in specified districts.**

- A. The city council may, after public hearing and proper notice to all parties affected, and after recommendation from the planning and zoning commission containing such requirements and safeguards are necessary to protect adjoining property, authorize by ordinance the location of any of the following in the following specified districts:

...

- (27) Sale of beer and wine for off-premises consumption only in any local retail district, in any urban center district, in any planned development district wherein the sale of beer and wine for off-premises consumption is specifically allowed in the ordinance establishing such planned development, or in conjunction with the issuance of a Special Use Permit for a hotel.

...

**Section 2.**     **Recitals.** The above and foregoing recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 3.**     **Savings; Repealer.** This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or an penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

**Section 4.**     **Severability.** The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 5.**     **Penalty.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense and each and every such day such offense shall continue shall be deemed to constitute a separate offense.

**Section 6.**     **Effective Date.** This Ordinance shall take from and after its adoption and publication as required by law.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the 11th day of October, 2016.

---

Todd Meier, Mayor  
Town of Addison, Texas

ATTEST:

---

Laura Bell, City Secretary

APPROVED AS TO FORM:

---

Brenda N. McDonald, City Attorney